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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,112	06/26/2003	Mathew E. Hoekstra	42P15812	9254

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INTEL CORPORATION  
c/o INTELLEVATE, LLC  
P.O. BOX 52050  
MINNEAPOLIS, MN 55402

EXAMINER
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FRITZ, BRADFORD F

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/609,112	<b>Applicant(s)</b> HOEKSTRA ET AL.	
	<b>Examiner</b> Bradford F. Fritz	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/26/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 17 is objected to because of the following informalities: The claim ends in a semicolon, which appears to be a typographical error. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Egli et al. (2003/0110234), hereinafter referred to as Egli.
4. Regarding claims 1 and 26, Egli disclosed first requesting a first content from a content provider (paragraphs 0068-71); providing a characteristic profile to the content provider indicating characteristics of the client (paragraphs 0068 and 0080); receiving a first reply from the content provider responsive to the first requesting (paragraphs 0068-71, 0081-83 and claims 16 and 60), the first reply including a query for a characteristic of the client (paragraphs 0068-71, 0081-83); second requesting the first content from

the content provider, the second requesting incorporating a query result for the query (paragraphs 0068-71, 0081-83); and receiving a second reply from the content provider responsive to the second requesting (paragraph 0071), the second reply including the first content or portion thereof (paragraph 0071), wherein the first content or portion thereof is determined based at least in part on the characteristic (paragraphs 0069 and 0071).

5. Regarding claims 16 and 28, Egli disclosed receiving from a client a first request for first content and a characteristic profile indicating characteristics of the client (paragraphs 0068-71 and 0080-83); providing a first response to the client lacking all of the requested first content (paragraphs 0068-71, 0081-83), but wherein the first response incorporates a query for a characteristic of the client (paragraphs 0068-71, 0081-83 and claims 16 and 60); receiving a second request for the first content, wherein the second request incorporates a query result for the query (paragraph 0071); and providing the first content to the client in accord with the query result (paragraph 0071).

6. Regarding claim 22, Egli disclosed a content provider communicatively coupled with a client (Fig. 3); wherein the content provider is operative to perform receiving from the client a first request for content (paragraphs 0068-71, 0081-83), determining the client may be queried for characteristics (paragraphs 0068-71, 0081-83 and claims 16 and 60), providing a response to the client incorporating a query for a characteristic of the client (paragraphs 0068-71, 0081-83), receiving a second request for the first content incorporating a query result for the query, and providing the first content to the client in accord with the query result (paragraphs 0069 and 0071); and wherein the

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client is operative to perform parsing the response to determine the query (paragraphs 0068-71, 0081-83), determining the query result, and providing the query result to the content provider in at least a second request for content (paragraphs 0068-71, 0081-83).

7. Regarding claim 24, Egli disclosed a proxy for managing communication with a content provider (paragraphs 0068-71, 0081-83), the proxy operable to parse data received from a content provider to determine a query for a characteristic of the system (paragraphs 0068-71, 0081-83), and to provide a query result to the content provider incorporating the characteristic of the system (paragraphs 0068-71, 0081-83 and claims 16 and 60); at least one agent for inspecting the system for various characteristics of the system (paragraphs 0068-71, 0081-83); and a manager having an interface communicatively coupled with the proxy to allow the proxy to direct the manger to dynamically instantiate an agent to determine the query result responsive to the query (paragraphs 0068-71, 0081-83, the CCM).

8. Regarding claim 2, Egli disclosed a third requesting a second content from the content provider, wherein the third requesting automatically incorporates the query result for the query (paragraphs 0068-71, 0081-83).

9. Regarding claim 3, Egli disclosed determining if the content provider wants the query result to be automatically incorporated into a third requesting of second content from the content provider that is lower in the hierarchical structure than the first content (paragraphs 0068-71, 0081-83).

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10. Regarding claim 4, Egli disclosed determining if the content provider is caching the query result, and if so, determining if the query result has changed since the first requesting; and wherein if the query result has not changed, said third request does not incorporate the query result for the query (paragraphs 0068-71, 0081-83).

11. Regarding claim 5, Egli disclosed wherein if the query result has changed, said third request automatically incorporates the query result for the query (paragraphs 0068-71, 0081-83, CCM).

12. Regarding claim 6, Egli disclosed determining if the content provider is caching the query result (paragraphs 0068-71, 0081-83), and if so, determining if the query result has changed since the first requesting (paragraphs 0068-71, 0081-83); and wherein if the query result has not changed, said third request does not incorporate the query result for the query (paragraphs 0068-71, 0081-83), and wherein if the query result has changed, said third request automatically incorporates the query result for the query (paragraphs 0068-71, 0081-83).

13. Regarding claim 7, Egli disclosed storing the query result in a HyperText Transport Protocol (HTTP) request header provided to the content provider (paragraphs 0075, 0083 and 0089).

14. Regarding claim 8, Egli disclosed wherein the query is received in a HyperText Transport Protocol (HTTP) response header provided by the content provider (paragraphs 0075, 0083 and 0089).

15. Regarding claim 9, Egli disclosed wherein requesting the content and receiving the first reply is performed according to the Composite Capability/Preference Profiles (CC/PP) protocol (paragraphs 0080-0082).
16. Regarding claim 10, Egli disclosed wherein the characteristic profile includes an entry indicating whether the client can be queried for an operational characteristic (paragraphs 0068-71, 0081-83 and claims 16 and 60).
17. Regarding claim 11, Egli disclosed wherein the characteristic profile is formatted as a UAProf profile (paragraphs 0080-82).
18. Regarding claim 12, Egli disclosed wherein the first reply comprises a selected one of the content or a frame-set for the content (paragraphs 0068-71, 0081-83).
19. Regarding claims 13 and 20, Egli disclosed wherein the characteristic is a selected one of processor type, processor speed, processor mode, available memory, available storage, or available network connectivity (paragraphs 0059 and 0083).
20. Regarding claim 14, Egli disclosed wherein the characteristic is a selected one of availability of: peer clients, a camera, a microphone, a text to speech converter, a speech to text converter, a soft radio, a graphics processor (paragraphs 0059 and 0083).
21. Regarding claim 15, Egli disclosed wherein the characteristic is availability of an encryption processor (paragraph 0044).
22. Regarding claim 17, Egli disclosed wherein the characteristic profile indicates the client may be queried for characteristics not identified in the characteristic profile (paragraphs 0068-71, 0081-83).

23. Regarding claim 18, Egli disclosed wherein the characteristic reflects an operational characteristic of the client (paragraphs 0068-71, 0081-83).

24. Regarding claim 19, Egli disclosed wherein the operational characteristic is a real-time attribute which changes while the client is operating (paragraphs 0068-71, 0081-83).

25. Regarding claim 23, Egli disclosed wherein the client and content provider utilize HTTP to exchange data in accord with the CC/PP protocol (paragraphs 0080-0082).

26. Regarding claim 25, Egli disclosed a memory for storing directives for at least the manager, the directives including: a first directive to store a copy of a default characteristic profile for the system into the memory (paragraphs 0068-71, 0081-83, cache); a second directive to identify an entry in the copy for which the agent is required to determine a value (paragraphs 0068-71, 0081-83); a third directive to dynamically load the agent to determine the value (paragraphs 0068-71, 0081-83); a fourth directive to store the value in the copy of the default characteristics profile (paragraphs 0068-71, 0081-83).

27. Regarding claim 27, Egli disclosed determining the content is arranged in a hierarchical structure (paragraphs 0080-0082, profile); and determining if the content provider wants the query result to be automatically incorporated into a third requesting of second content from the content provider that is lower in the hierarchical structure than the first content (paragraphs 0068-71, 0081-83).



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28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 21 and 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Egli in view of Hild et al (6,978,373), hereinafter referred to as Hild.

30. Regarding claims 21 and 29, Egli disclosed the invention as described above. However Egli does not teach issuing a set-cookie command to the client to associate at least the first content with a cookie, wherein the cookie indicates the query result will be cached for all content associated with the cookie. Hild teaches a system that can use a set-cookie command to the client to associate at least the first content with a cookie, wherein the cookie indicates the query result will be cached for all content associated with the cookie (column 6, lines 52-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the cookie feature as taught by Hild in the method and system of Egli because both Hild and Egli are from the same field of endeavor of delivering networked content based on the CC/PP protocol and because the format of a cookie is another suitable format for storing a client's profile information (column 6, lines 58-61).

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BF

BF

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER